

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Cooperation Department - Allegations of possession of disproportionate assets against Sri K. Anantha Ramulu, formerly Junior Cooperative Inspector, Kothagudem, Khammam District - Convicted by the Principal Special Judge for SPE&ACB Cases, Hyderabad - High Court partly allowed the Criminal Appeal - Dismissed from Service - SLP filed in Supreme Court of India by the Accused Officer - Pronounced judgement on 27.10.2010 in Cr. Appeal No. 931 of 2005 - Appeal allowed and set aside the impugned judgement and order of the High Court and the Judgement of the trial Court - Reinstatement into service and regularization of service and treated the period with effect from 01.02.1997 as 'On duty' under FR 54 - Orders - Issued.

AGRICULTURE & COOPERATION (VIG..III) DEPARTMENT

G.O.Rt.No. 417

Dated: 18-04-2011,
Read the following:-

- 1) From the D.G., ACB, Hyderabad Lr.No. 114/RC-WKH/87-S5, dated 25.9.1987(Cr.No. 12/ACB-WRL/87) and dated 13.05.1988.
- 2) G.O.Ms.No.818, Food & Agrl(Coop.II)Deptt., dated 29.10.1988.
- 3) Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad Proc.Rc.No. 76546/87-E-14NG/Dise), dated 15.5.1990.
- 4) DG, ACB, Hyderabad Letter dated 26.04.1991.
- 5) Second Addl. Spl. Judge for SPE & ACB cases, City Civil Court, Hyderabad Judgement dated 2.9.1996 in CC No. 11/1989.
- 6) Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad Proc.Rc.No. 84363/00-E-11, dated 29.1.1997.
- 7) High Court, Hyderabad Orders dated 07.10.2004 in Cr.M.P.No.3845/1996.
- 8) Supreme Court of India Judgement dated 27.10.2010 in CrI.Appeal No. 931/2005.]
- 9) Director General , Anti Corruption Bureau, Hyderabad Lr.No. 114/RCA-WKH/1987-S5, dated 23.12.2010.
- 10) Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad Lr.Rc.No. 25641/2010/SZ-II, dated 24.01.2011.

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ORDER:

In the reference first read above, the DG, ACB, Hyderabad has informed that Sri K. Anantha Ramulu, formerly Jr. Coop. Inspector/Auditor, Kothagudem, Khammam District acquired assets disproportionate to known source of his income and registered a Case in Crime No. 12/ACB-WRL/87 against and requested to place the Accused Officer under suspension on 30.10.1987 and effected from 5.11.1987 in his final report dated 13.5.1988 has informed that the allegation against Sri K. Anantha Ramulu, Junior Inspector is in possession of assets disproportionate to the known source of his income against the Accused Officer is held substantiated and since the disproportionate assets worked out to Rs. 2,63,270/- which is higher than his total known sources of income of Rs.1,16,110/- and recommended to prosecute the Accused Officer in a court of Law and also recommended to initiate departmental action against the A.O. for contravention of rules 9(1)(2) and other relevant Rules of APCS (Conduct) Rules, 1964 for not obtaining prior permission of the competent authorities in the purchase of two

houses and construction of the same for not furnishing proforma particulars and for failure to inform the competent authority regarding purchase of Scooter and TV.

2) In the reference second read above, Government has accorded sanction for the prosecution of Sri K.Anantha Ramulu, formerly Jr. Coop. Inspector/Auditor, Kothagudem, Khammam District for the offences punishable under Sub Section (2) of Section 5 read with clause(s) of Sub-Section (1) of Section (5) of the P.C. Act, 1947 and further the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad was directed to initiate necessary departmental disciplinary action against the Accused Officer for contravention of rules 9(1)(2) and other relevant Rules of APCS(Conduct) Rules, 1964 for not obtaining prior permission of the Competent Authorities in obtaining the assets vide Government Memo dated 8.8.1988.

3) In the reference 3rd read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad had reinstated the individual into duty and in a departmental proceedings after following due procedures and examining the Inquiry Report submitted by the Inquiry Officer dropped the charges framed against Sri K.Anantha Ramulu, formerly Jr. Coop. Inspector/Auditor, but as per the request of the Director General, Anti Corruption Bureau in the reference fourth read above, again the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad in his Proc. Dated 28.8.1993 remitted the departmental proceedings to the Inquiry Officer to complete the enquiry after giving an opportunity to the ACB authorities to give evidence, duly canceling the orders 15.5.1990 in which the AO was reinstated into service.

4) In the reference 5th read above, the Second Addl. Spl. Judge for SPE & ACB cases, City Civil Court, Hyderabad has delivered judgement and convicted Sri K.Anantha Ramulu, formerly Jr. Coop. Inspector/Auditor, Kothagudem, Khammam District under section 248(2) Cr.P.C. as he committed the offence of criminal misconduct U/S 5(1) (c) of P.C. Act punishable U/S 5(2) of the P.C. Act, 1947.

5) In the reference sixth read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad had dismissed Sri K.Anantha Ramulu, formerly Junior Cooperative Inspector/Auditor, Kothagudem, Khammam District from service based on the judgement of the Second Addl. Special Judge for SPE & ACB cases, City Civil Court, Hyderabad.

6) Aggrieved with the above dismissal orders the Accused Officer Sri K.Anantha Ramulu, formerly Jr. Coop. Inspector/Auditor, Kothagudem, Khammam District has filed criminal appeal No. 792/1996 in the Hon'ble High Court of A.P. against the orders of the Second Additional Special Judge for SPE & ACB cases, City Civil Court, Hyderabad vide C.C.No. 11/1989. dated 2.9.1996. The Hon'ble High Court of A.P. while admitting the appeal has suspended the sentence of imprisonment alone vide Cr.M.P.No.3845/1996. In the reference 7th read above, the Hon'ble High Court in its final orders allowed the appeal in part and confirmed the conviction, but reduced the rigorous imprisonment of 3 years and a fine of Rs. 20,000/- imposed by the Lower Court to One year and stayed sale of two houses at Khammam pending disposal of the appeal.

(p.t.o)

7) Aggrieved with the above orders of the Hon'ble High Court of Andhra Pradesh, the Accused Officer viz. Sri K.Anantha Ramulu, formerly Junior Cooperative Inspector/Auditor, Kothagudeam, Khammam District has filed SLP No. 3618/2005 before the Hon'ble Supreme Court of India.

8) In the reference 8th read above, the Hon'ble Supreme Court of India in its judgement dated 27.10.2010 in CrI.Appeal No. 931/2005 filed by the Accused Officer has observed that the appellant is entitled to the benefit of doubt and on the facts of the case allowed the appeal and set aside the impugned judgement and order of the Hon'ble High Court and the judgement of the Trial Court. In the reference 9th read above, the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad has furnished the copy of the Judgement of the Hon'ble Supreme Court of India in Cr.Appeal No. 931/2005 and requested the Government to take necessary action on the judgement of Supreme Court of India. In the reference 10th read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad explaining the facts of the case in brief and while enclosing a copy of the Judgement of the Hon'ble Supreme Court of India has submitted proposal for reinstatement and for regularization of service matters for which he is entitled.

9) Government after careful examination of the matter and in view of the judgement of Hon'ble Supreme Court and also the proposal of the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad hereby order to reinstate the individual Sri K.Anantha Ramulu, formerly Junior Cooperative Inspector/Auditor, Kothagudeam, Khammam District and regularization of his service and to treat the dismissal period w.e.f 1.2.1997 onwards as '**on duty**' under FR 54 .

10) The Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R. KISHORE,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K.Anantha Ramulu, formerly Junior Cooperative Inspector/Auditor,
Kothagudeam, Khammam District through the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad .
The Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad.
Copy to PS to Principal Secretary to the Hon'ble Chief Minister.
Copy to PS to M(Coop).
SF/SC

// Forwarded:: By order //

SECTION OFFICER.